

PATENT
Attorney Docket No.: A-66566-3/RFT/RMS/RMKIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Examiner: Unknown.
BLACKBURN, et al.) Group Art Unit: 1643
Serial No.: 09/440,371)
Filed: November 12, 1999)
For: BINDING ACCELERATION)
TECHNIQUES FOR THE DETECTION)
OF ANALYTES)

FAX RECEIVED
AUG 30 2000
PETITIONS OFFICE

CERTIFICATE OF FAX TRANSMISSION

I hereby certify that this correspondence,
including listed enclosures, is being FAX-
transmitted to USPTO FAX No.
(703) 308-6916 on 8/30/00

Signed: 
Renee Kossak

PETITION UNDER 37 C.F.R. § 1.47(a) NO LONGER REQUIRED

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

This request is in response to the phone conversation with Edward Tannouse and Manuel Antonakas on August 29, 2000. Transmitted herewith is a copy of a signed Declaration and a copy of a signed Assignment of Stephen D. O'Connor. The original declaration is being forwarded by certificate of mailing. The original assignment has been sent under separate cover to be recorded.

justment date: 10/12/2000 LGIBBS
7/15/2000 VVAN11 00000071 09440371
FC:122 -130.00 OP

In. Ref: 10/12/2000 LGIBBS 0013434600
:061300 Name/Number:09440371
704 \$130.00 CR

REMARKS

A Petition under 37 C.F.R. § 1.47(a) was submitted in the above case, as one of the inventors, Dr. Stephen D. O'Connor had refused to sign the declaration and assignment. Dr. O'Connor has now agreed to sign the formal documents; copies are enclosed. Accordingly, the Petition submitted under 37 C.F.R. §1.47(a) is no longer needed.

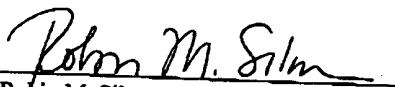
If either Mr. Tannoouse or Mr. Antonakas feels there are further unresolved issues, they are respectfully requested to phone the undersigned at (415) 781-1989.

The Commissioner is hereby authorized to charge any additional fees, including extension fees or other relief as may be required, or credit any overpayment to Deposit Account 06-1300 (Order No. A-66566-3/RFT/RMS/RMK).

Dated: 8/30/00

Respectfully submitted,

FLEHR HOHBACH TEST
ALBRITTON & HERBERT LLP



Robin M. Silva
Reg. No. 38,304

Four Embarcadero Center - Suite 3400
San Francisco, California 94111-4187
Tel.: (415) 781-1989
Fax: (415) 398-3249
128504

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ASSIGNMENT

AUG 30 2000

PETITIONS OFFICE

WHEREAS, the undersigned,

(1) <u>GARY BLACKBURN</u>	(2) <u>STEPHEN E. CREAGER</u>
(3) <u>SCOTT FRASER</u>	(4) <u>BRUCE D. IRVINE</u>
(5) <u>THOMAS J. MEADE</u>	(6) <u>STEPHEN D. O'CONNOR</u>
(7) <u>ROBERT H. TERBRUGGEN</u>	(8) <u>JOST G. VIELMETTER</u>
(9) <u>THOMAS J. WELCH</u>	

(hereinafter termed "Inventors"), residents of

(1) <u>Glendora</u>	(2) <u>Central</u>
(3) <u>La Canada</u>	(4) <u>Glendora</u>
(5) <u>Altadena</u>	(6) <u>Pasadena</u>
(7) <u>Manhattan Beach</u>	(8) <u>Pasadena</u>
(9) <u>Pasadena</u>	

respectively, Counties of

(1) <u>Los Angeles</u>	(2) <u>Pickens</u>
(3) <u>Los Angeles</u>	(4) <u>Los Angeles</u>
(5) <u>Los Angeles</u>	(6) <u>Los Angeles</u>
(7) <u>Los Angeles</u>	(8) <u>Los Angeles</u>
(9) <u>Los Angeles</u>	

respectively, States of

(1) <u>California</u>	(2) <u>South Carolina</u>
(3) <u>California</u>	(4) <u>California</u>
(5) <u>California</u>	(6) <u>California</u>
(7) <u>California</u>	(8) <u>California</u>
(9) <u>California</u>	

respectively, have invented certain new and useful improvements in

BINDING ACCELERATION TECHNIQUES FOR THE DETECTION OF ANALYTESand have executed an application for a United States patent disclosing and identifying the invention having Serial No. 09/440,371 and filing date of November 12, 1999; andWHEREAS, Clinical Micro Sensors, Inc., a corporation of the State of Delaware, having a place of business at 101 Waverly Drive, Pasadena, State of California, (hereinafter termed "Assignee"), is desirous of acquiring

the entire right, title and interest in and to said application and the invention disclosed therein, and in and to all embodiments of the invention, heretofore conceived, made or discovered jointly or severally by said Inventors (all collectively hereinafter termed "said invention"), and in and to any and all patents, inventor's certificates and other forms of protection (hereinafter termed "patents") thereon granted in the United States and foreign countries.

NOW, THEREFORE, in consideration of good and valuable consideration acknowledged by said Inventors to have been received in full from said Assignee:

1. Said Inventors do hereby sell, assign, transfer and convey unto said Assignee, the entire right, title and interest (a) in and to said application and said invention; (b) in and to all rights to apply for foreign patents on said invention pursuant to the International Convention for the Protection of Industrial Property or otherwise; (c) in and to any and all applications filed and any and all patents granted on said invention in the United States or any foreign country, including each and every application filed and each and every patent granted on any application which is a division, substitution, or continuation of any of said applications; and (d) in and to each and every reissue or extensions of any of said patents.
2. Said Inventors hereby jointly and severally covenant and agree to cooperate with said Assignee to enable said Assignee to enjoy to the fullest extent the right title and interest herein conveyed in the United States and foreign countries. Such cooperation by said Inventors shall include prompt production of pertinent facts and documents, giving of testimony, execution of petitions, oaths, specifications, declarations or other papers, and other assistance all to the extent deemed necessary or desirable by said Assignee (a) for perfecting in said Assignee the right, title and interest herein conveyed; (b) for prosecuting any of said applications; (c) for filing and prosecuting substitute, divisional, continuing or additional applications covering said invention; (d) for filing and prosecuting applications for reissuance of any said patents; (e) for interference or other priority proceedings involving said invention; and (f) for legal proceedings involving said invention and any applications therefor and any patents granted thereon, including without limitation opposition proceedings, cancellation proceedings, priority contests, public use proceedings, infringement actions and court actions; provided, however, that the expense incurred by said Inventors in providing such cooperation shall be paid for by said Assignee.
3. The terms and covenants of this assignment shall inure to the benefit of said Assignee, its successors, assigns and other legal representatives, and shall be binding upon said Inventors, their respective heirs, legal representatives and assigns.
4. Said Inventors hereby jointly and severally warrant and represent that they have not entered and will not enter into any assignment, contract, or understanding in conflict herewith.

IN WITNESS WHEREOF, the said Inventors have executed and delivered this instrument to said Assignee as follows:

Date: _____

(1) _____
Gary BlackburnCounty of _____
State of _____) ss.
)

On this _____ day of _____, in the year 1999, before me, _____, Notary Public of the State of California, personally appeared (1) _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged that he/she executed the same in his/her authorized capacity(ies), and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____

(Seal)

Date: _____

(2) _____
Stephen E. CreagerCounty of _____
State of _____) ss.
)

On this _____ day of _____, in the year 1999, before me, _____, Notary Public of the State of _____ personally appeared (2) _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged that he/she executed the same in his/her authorized capacity(ies), and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____

(Seal)

Date: _____

(3)

Scoti Fraser

County of
State of

155

WITNESS my hand and official seal

Signature _____

(Seal)

Date: _____

(4)

Bruce D. Levine

County of
State of

55

On this day of , in the year 1999, before me, , Notary Public of the State of , personally appeared (2) , personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged that he/she executed the same in his/her authorized capacity(ies), and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal

Signature

(Seal)

Date: _____

(5) _____
Thomas J. MeadeCounty of _____
State of _____

,ss.

On this _____ day of _____, in the year 1999, before me, _____, Notary Public of the State of _____ personally appeared (2) _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged that he/she executed the same in his/her authorized capacity(ies), and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____

(Seal)

Date: 7-25-00(6) J.D. _____

Stephen D. O'Connor

County of Los Angeles
State of California

,ss.

On this 25 day of July, in the year 1999, before me, Jessica Smith, Notary Public of the State of California, personally appeared (2) Stephen D. O'Connor, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged that he/she executed the same in his/her authorized capacity(ies), and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature Jessica Smith

(Seal)



Date: _____

(7) _____
Robert H. TerbrueggenCounty of _____
State of _____

ss.

On this _____ day of _____ in the year 1999, before me, _____ Notary Public of the State of _____, personally appeared (2) _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged that he/she executed the same in his/her authorized capacity(ies), and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____

(Seal)

Date: _____

(8) _____
Jost G. VielmetterCounty of _____
State of _____

ss.

On this _____ day of _____ in the year 1999, before me, _____ Notary Public of the State of _____, personally appeared (2) _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged that he/she executed the same in his/her authorized capacity(ies), and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____

(Seal)

Date. 1930-1931

(9) Thomas W. Welch

County of
State of

ss.

On the 1 day of January, in the year 1999, before me, John Doe, Notary Public of the State of California, personally appeared (2) John Doe, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged that he/she executed the same in his/her authorized capacity(ies), and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____

(Seal)

19778

DECLARATION FOR PATENT APPLICATION

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AUG 30 2000

PETITIONS OFFICE

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled BINDING ACCELERATION TECHNIQUES FOR THE DETECTION OF ANALYTES, the specification of which

(check
one) is attached hereto.

was filed on November 12, 1999 as
Application Serial No. 09/440,371
and was amended on _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	_____	Yes	No
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	_____	Yes	No

I hereby claim the benefit under Title 35, United States Code, §5119/120 of any United States application(s) listed below, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>09/134,058</u> (Application Serial No.)	<u>August 14, 1998</u> (Filing Date)	<u>Pending</u> (Status) (patented, pending, abandoned)
<u>60/090,389</u> (Application Serial No.)	<u>June 23, 1998</u> (Filing Date)	<u>Abandoned</u> (Status) (patented, pending, abandoned)

Direct all telephone calls to ROBIN M. SILVA at (415) 781-1989.

Address all correspondence to:

FLEHR HOHBACH TEST
ALBRITTON & HERBERT LLP
Suite 3600, Four Embarcadero Center
San Francisco, California 96111

File No. A-66566-3/RFT/RMS

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or
first inventor: Gary Blackburn

Inventor's signature: _____

Date: _____

Residence: Glendora, CaliforniaCitizenship: United States of AmericaPost Office Address: 261 N. Lone Hill AvenueGlendora, California 91741

Full name of second
inventor: Stephen E. Creager

Inventor's signature: _____

Date: _____

Residence: Central, South CarolinaCitizenship: United States of AmericaPost Office Address: 357 Cross Creek RoadCentral, South Carolina 29630

Full name of third
inventor: Scott Fraser

Inventor's signature: _____

Date: _____

Residence: La Canada, CaliforniaCitizenship: United States of AmericaPost Office Address: 505 Dartmouth PlaceLa Canada, California 91011

Full name of fourth
inventor:

Bruce D. Irvine

Inventor's signature:

Date:

Residence:

Glendora, California

Citizenship:

United States of America

Post Office Address:

430 Vista Bonita Avenue

Glendora, California 91741

Full name of fifth
inventor:

Thomas J. Meade

Inventor's signature:

Date:

Residence:

Altadena, California

Citizenship:

United States of America

Post Office Address:

1656 New York Drive

Altadena, California 91001

Full name of sixth
inventor:

Stephen D. O'Connor

Inventor's signature:

DOC

7-25-00

Date:

Residence:

Pasadena, California

Citizenship:

United States of America

Post Office Address:

4222 S. El Molino, #16

Pasadena, California 91101

Full name of seventh
inventor:

Robert W. Terbrueggen

Inventor's signature:

Date:

Residence:

Manhattan Beach, California

Citizenship:

United States of America

Post Office Address:

66138 The Strand

Manhattan Beach, California 90266

Full name of eighth

Inventor:

Jost G. Vielmetter

Inventor's signature:

Date:

Residence:

Pasadena, California

Citizenship:

Germany

Post Office Address:

69 South Greenwood AvenuePasadena, California 91107

Full name of third

inventor:

Thomas W. Welch

Inventor's signature:

Date:

Residence:

Pasadena, California

Citizenship:

United States of America

Post Office Address:

677 S. Marengo Avenue, Apt. 6Pasadena, California 91106